

(Attorney list on signature page)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re Bank of America Corp. Auction Rate  
Securities Marketing Litigation

MDL No. 09-2014

**STIPULATION AND ~~PROPOSED~~  
SCHEDULING ORDER**

This Document Relates to:  
*Bondar v. Bank of America Corp.*  
No. C 08-2599 (JSW)

Hon. Jeffrey S. White

Class Plaintiffs in *Bondar v. Bank of America Corp.*, No. C 08-2599 (JSW) and Defendants Bank of America Corporation, Banc of America Securities LLC, and Banc of America Investment Services, Inc. (collectively, "Defendants"), by and through their respective counsel of record, hereby stipulate as follows:

**WHEREAS** this Court's December 16, 2008 Order set a schedule for the filing of Class Plaintiffs' amended complaint and a briefing schedule on Defendants' motion to dismiss;

**WHEREAS** Class Plaintiffs filed the First Amended Class Action Complaint on January 22, 2009;

**WHEREAS** Defendants filed a motion to dismiss the First Amended Class Action Complaint on March 13, 2009;

**WHEREAS** the Court's December 16, 2008 Order (i) required Class Plaintiffs to file their opposition to that motion by May 7, 2009, and Defendants to file their reply by May 28, 2009, and (ii) scheduled a hearing for June 19, 2009;

**WHEREAS** the parties' April 3, 2009 Joint Case Management Conference Statement advised the Court that Class Plaintiffs were reviewing Defendants' motion and evaluating whether to amend the *Bondar* complaint to address certain alleged pleading deficiencies and ensure the efficient resolution of the issues in the motion to dismiss;

**WHEREAS** Class Plaintiffs have determined that amendment of the First Amended Class Action Complaint is appropriate and have conferred with Defendants concerning a revised

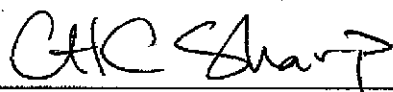
1 schedule;

2 **WHEREAS** the parties agree, subject to this Court's approval, to the following schedule:

- 3 1) Class Plaintiffs' Second Amended Class Action Complaint shall be filed on or  
4 before May 12, 2009;
- 5 2) Defendants shall answer, move against or otherwise respond to the Second  
6 Amended Class Action Complaint on or before June 30, 2009;
- 7 3) Should Defendants file a motion to dismiss the Second Amended Class Action  
8 Complaint, the briefing schedule on such motion shall be as follows:
- 9 a) Class Plaintiffs shall file any opposition to Defendants' motion to dismiss  
10 on or before July 30, 2009; and
- 11 b) Defendants shall file any reply in support of the motion to dismiss on or  
12 before August 21, 2009.


13 Dated: May 4, 2009

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**PROPOSED ORDER**

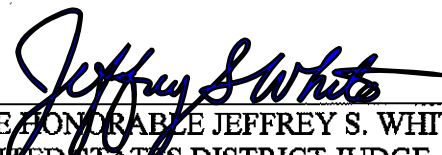
Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that:

- 1) Class Plaintiffs' Second Amended Class Action Complaint shall be filed on or before May 12, 2009;
- 2) Defendants shall answer, move against or otherwise respond to the Second Amended Class Action Complaint on or before June 30, 2009;
- 3) Should Defendants file a motion to dismiss the Second Amended Class Action Complaint, the briefing schedule on such motion shall be as follows:
  - a) Class Plaintiffs shall file any opposition to Defendants' motion to dismiss on or before July 30, 2009; and
  - b) Defendants shall file any reply in support of the motion to dismiss on or before August 21, 2009.

Defendant shall notice the hearing for October 2, 2009 at 9:00 a.m. In the event the Court finds the matter suitable for disposition without oral argument, it shall notify the parties.

**PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

DATED: May 7, 2009

  
THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE